

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. After entry of the foregoing amendment, Claims 13-17 remain pending in the present application.¹ No new matter has been added.²

By way of summary, the Office Action presented the following issues: Claims 13 and 16-17 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite; Claims 13 and 16-17 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps; Claim 17 was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter; Claims 13-14 and 16-17 were rejected under 35 U.S.C. § 103(a) as obvious over Applicants' Background Art section (hereinafter "the Background Art") in view of U.S. Patent No. 6,282,407 to Vega et al. (hereinafter "Vega"), U.S. Patent No. 6,067,291 to Kamerman et al. (hereinafter "Kamerman"), and U.S. Patent No. 6,393,032 to Ikegami (hereinafter "Ikegami"); and Claim 15 was rejected under 35 U.S.C. § 103(a) as obvious over the Background Art in view of Vega, Kamerman, Ikegami, and U.S. Patent No. 6,127,979 to Zhou et al. (hereinafter "Zhou").

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicants and Applicants' representative wish to thank Supervisory Examiner Ryman and Examiner Divecha for the courtesy of the personal interview granted on April 13, 2010. During the interview, amendments clarifying the claims over the applied references were discussed. In particular, it was agreed that the applied references fail to disclose that "the communication device receives an indication to start a communication of the active

¹ The Advisory Action dated February 19, 2010, did not indicate that the claim amendments filed January 15, 2010, would not be entered, but rather indicated only that the amendments would be entered for the purposes of appeal. Accordingly, the underlining and strikethrough in the present amendment is based on the assumption that the previous claim amendments were entered.

² The amendments to independent Claims 13 and 16-17 find support at least in Figs. 27-30 and in their accompanying text in the specification.

mode from the another device.” In view of the amended forms of independent Claims 13 and 16-17, the rejections under 35 U.S.C. § 103 should be withdrawn.

ABSTRACT

Further, Applicants have deleted the Abstract and submit herewith a new Abstract.
No new matter has been added.

REJECTIONS UNDER 35 U.S.C. §§ 101 AND 112

Claims 13 and 16-17 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 13 and 16-17 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps. Claim 17 was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter.

The Advisory Action dated February 19, 2010, indicated that the rejections under 35 U.S.C. § 101 and 112 were withdrawn.

It is respectfully submitted that the amended forms of Claims 13 and 16-17 are sufficiently definite, do not omit essential steps, and are directed to statutory subject matter.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 13-14 and 16-17 were rejected under 35 U.S.C. § 103(a) as obvious over the Background Art in view of Vega, Kamerman, and Ikegami. In light of the several grounds of rejection on the merits, independent Claims 13 and 16-17 have been amended to clarify the claimed inventions and to thereby more clearly patentably define over the applied references.

Amended Claim 13 is directed to a communication device including, in part,

means for generating an RF (radio frequency) signal;

. . .

means for demodulating a second RF signal provided to the communication device from . . . another device; and

means for detecting the second RF signal of the another device, wherein the means for generating is actuated to initiate an active or a passive mode communication, when the means for detecting does not detect the second RF signal at a level of a first threshold or more, the active mode including a transmission of modulated data at the communication device and the another device, . . . and, when the communication device receives an indication to start a communication of the active mode from the another device, the means for demodulating receives data at a level of a second threshold or higher, the second threshold being higher than the first threshold.

Applicants respectfully submit that the Background Art, Vega, Kamerman, and Ikegami fail to disclose those features.

At the interview, it was agreed that none of the applied references discloses that “the communication device receives an indication to start a communication of the active mode from the another device,” as recited in amended Claim 13.

It is respectfully submitted that independent Claim 13 (and all associated dependent claims) patentably distinguishes over any proper combination of the Background Art, Vega, Kamerman, and Ikegami for at least that reason.

It is further submitted that no proper combination of the Background Art, Vega, Kamerman, and Ikegami discloses or suggests that “the first communication device receives an indication to start a communication of the active mode from the second communication device,” as recited in independent Claim 16, or that “the first communication device receives an indication to start a communication of the active mode from the second communication device,” as recited in independent Claim 17.

It is additionally submitted that independent Claims 16-17 patentably distinguish over any proper combination of the Background Art, Vega, Kamerman, and Ikegami for at least the reason set forth above.

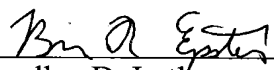
It is further submitted that Zhou fails to remedy the above-noted deficiencies in the Background Art, Vega, Kamerman, and Ikegami with regard to Claim 13. It is accordingly submitted that the rejection of dependent Claim 15 is moot.

CONCLUSION

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the present application is patentably distinguished over the applied references and is in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

Brian R. Epstein
Registration No. 60,329